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APPLICATION NO. FILING DATE		FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
10/621,048 07/16/2003		Richard M. Ehrlich	PANA-01046USE	8810		
23910 7:	590 10/19/2005		EXAM	EXAMINER		
FLIESLER MEYER, LLP			SNIEZEK, A	SNIEZEK, ANDREW L		
FOUR EMBAI SUITE 400	RCADERO CENTER		ART UNIT	ART UNIT PAPER NUMBER		
SAN FRANCIS	SCO, CA 94111		2651	2651		

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.		Applicant(s)					
		10/621,048	21,048 EHRLICH, RICHARD		ARD M.				
Office Action Summary			Examiner		Art Unit				
		I	Andrew L. S		2651				
Period for	- The MAILING DATE of this commun Reply	ication appe	ears on the	cover sheet with the	correspondence ad	idress			
WHICI - Extens after S - If NO - Failure Any re	PRTENED STATUTORY PERIOD F HEVER IS LONGER, FROM THE N sions of time may be available under the provisions BIX (6) MONTHS from the mailing date of this comr period for reply is specified above, the maximum st to reply within the set or extended period for reply ply received by the Office later than three months d patent term adjustment. See 37 CFR 1.704(b).	MAILING DA s of 37 CFR 1.136 munication. tatutory period will will, by statute, of	TE OF THI 6(a). In no even Il apply and will cause the applic	S COMMUNICATIO t, however, may a reply be ti expire SIX (6) MONTHS fron ation to become ABANDONI	N. mely filed the mailing date of this c ED (35 U.S.C. § 133).	·			
Status									
1)🛛	Responsive to communication(s) file	nd on 10 So	ntombor 20	205					
′—	Responsive to communication(s) filed on <u>19 September 2005</u> . This action is FINAL								
′=	<u> </u>								
	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.								
,	closed in accordance with the practi	ice unuei Ex	c parte Qua	yle, 1935 C.D. 11, 4	55 U.G. 215.				
Dispositio	on of Claims					•			
4)🛛	Claim(s) <u>1-26</u> is/are pending in the application.								
4	4a) Of the above claim(s) is/are withdrawn from consideration.								
5)🛛 (Claim(s) <u>7-20</u> is/are allowed.								
6)⊠ (Claim(s) <u>1,2 and 21-23</u> is/are rejected.								
7)🛛 (Claim(s) <u>3-6 and 24-26</u> is/are object	ted to.							
8) 🗌 (Claim(s) are subject to restric	ction and/or	election red	quirement.					
Application	on Papers								
π □(6	he specification is objected to by th	e Examiner							
	he drawing(s) filed on 16 July 2003			or b)□ objected to	hy the Examiner				
	Applicant may not request that any obje								
	Replacement drawing sheet(s) including			•		FR 1 121(d)			
	he oath or declaration is objected to					• •			
Priority u	nder 35 U.S.C. § 119			·					
	acknowledgment is made of a claim ☐ All b)☐ Some * c)☐ None of:	for foreign p	oriority unde	er 35 U.S.C. § 119(a)-(d) or (f).				
•	1. Certified copies of the priority documents have been received.								
2	2. Certified copies of the priority documents have been received in Application No								
;	3. Copies of the certified copies	of the priorit	ty documer	ts have been receiv	ed in this National	Stage			
	application from the Internation	nal Bureau	(PCT Rule	17.2(a)).					
* Se	ee the attached detailed Office action	n for a list o	f the certific	ed copies not receive	ed.				
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			•						
Attachment((s)								
Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413)									
2) 🔲 Notice	of Draftsperson's Patent Drawing Review (F		•	Paper No(s)/Mail D					
3) 🔯 Inform	ation Disclosure Statement(s) (PTO-1449 or	PTO/SB/08)		i) 🔛 Notice of Informal F		O-152)			
raper	No(s)/Mail Date <u>7/12/05, 9/19/05,</u> 4/2 s/o <i>\$,</i> /	/13/aS	•	6)					

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DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statements filed 7/12/05, 9/19/05 and 4/25/05 have been considered.

Terminal Disclaimer

2. The terminal disclaimer filed on 4/25/05 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of any patent granted on application 10/620,661 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 21-23 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 10, 15 of copending Application No. 10/690,971. Although the conflicting claims are not identical, they are not patentably distinct from each other because each is directed to searching

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for a servo address mark pattern using plural (two) different parameters. Note a nominal frequency is disclosed as one type of parameter. Also, although the present application is written using structural language instead of method language, such a difference is deemed obvious since the body of these claims correspond to each other. This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

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Claims 21-23 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 10, 15 of copending Application No. 10/620,818. Although the conflicting claims are not identical, they are not patentably distinct from each other because each is directed to the use of plural (two) distinct parameters to search for a servo address mark pattern. Note a nominal frequency is disclosed as one type of parameter. This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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6. Claims 21 and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Aziz (US 20040190646A1).

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Re claims 21 and 23: Aziz teaches an arrangement that uses a first and a second detector arrangement (603a and 603b) as depicted in figure 6 with different parameters. operation frequencies due to element (508) which satisfies the claimed first and second demodulators.

Claim Rejections - 35 USC § 103

- 7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 8. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Aziz in view of Tuttle et al. (5,796,535).
- Re claim 22: The teaching of Aziz is discussed above and incorporated herein. Claim 22 additionally sets forth a servo wedge that is zone recorded, which although not taught by Aziz is well known as taught by Tuttle et al. (see for example column 4, lines 55-67). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate zone recording as taught by Tuttle et al. in the arrangement of Aziz so as to provide an arrangement with increased storage density.
- 9. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tuttle et al. in view of Aziz.

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Re claims 1 and 2: Tuttle et al. teaches an arrangement and corresponding method that searches for a SAM pattern at a first nominal frequency when the SAM is in a first zone and searches for a SAM pattern at a second nominal frequency when the pattern is in a second zone. See figures 3 and 7 along with column 15, lines 42-54, column 11, lines 34-46 and lines 63-67, column 12, lines 44-67 which teach the use of shadow registers which store control values based on zones. These values can include sampling frequencies in which the servo mark detector (A126) operates. See column 21 lines 42-52. Tuttle et al. however does not teach the use of separate detectors as set forth in claim 1. A plural detector arrangement is taught by Aziz (figure 6) elements (603a) and (603b) along with operation of (508) at plural frequencies, which provides an improved detection performance. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the two detection arrangement of Aziz in the system of Tuttle et al. to improve the detection performance.

Allowable Subject Matter

- 10. Claims 3-6 and 24-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
- 11. Claims 7-20 are allowed.
- 12. The following is a statement of reasons for the indication of allowable subject matter: The claimed system set forth in claim 7 that includes a first servo demodulator and a second demodulator that operate with corresponding first and second zones and additionally includes a microprocessor that characterizes the detections as good or bad

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based on the actual servo demodulation value corresponding to the detection is neither taught by nor an obvious variation of the art of record.

The claimed disk drive of claim 18 that includes the first and second demodulators that operate as set forth and additionally includes a microprocessor that determines which zone the head is reading based on the detected SAM pattern is neither taught by nor an obvious variation of the art of record.

The claimed system of claim 1 that additionally includes a microprocessor as set forth in claim 3 that determines which of the first and second zones a head is reading based on the detections is neither taught by nor an obvious variation of the art of record.

The claimed system of claim 1 that additionally includes a microprocessor that selects one of the patterns if both are detected in a manner as set forth in claim 4 is neither taught by nor an obvious variation of the art of record.

The claimed servo demodulation system of claim 21 that further includes more that two servo demodulators (claim 24), selects one SAM if more than one SAM pattern is detected (Claim 25) and a microprocessor that determines which zone head is reading (claim 26) as set forth is neither taught by nor an obvious variation of the art of record.

Response to Arguments

13. Applicant's arguments with respect to the claims have been considered but are most in view of the new ground(s) of rejection.

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Any inquiry concerning this communication or earlier communications from the

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examiner should be directed to Andrew L. Sniezek whose telephone number is 571-

272-7563. The examiner can normally be reached on Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, David Hudspeth can be reached on 571-272-7843. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

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Business Center (EBC) at 866-217-9197 (toll-free).

Andrew L. Sniezek Primary Examiner Art Unit 2651

A.L.S. 10/13/05